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House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

April 11, 2008

By Fax and U.S. Mail

Mr. Daniel Levin
White and Case
701 Thirteenth Street, NW
Washington, DC 20005

Dear Mr. Levin:

I write to invite you to appear before the Committee on the Judiciary at our May 6 hearing scheduled to explore issues regarding the nature and scope of Presidential power in time of war and the Administration's approach to these questions under U.S. and international law. Given your personal knowledge of key historical facts, including your authorship of the Administration's most significant public legal opinion on the scope and meaning of the federal torture statute,¹ and your legal expertise, your testimony would be invaluable to the Committee. Indeed, media accounts of key events during your service to the nation paint a remarkable picture and the Committee would benefit greatly by hearing your legal views, and your personal story, first hand.²

I expect the Committee to focus largely on matters that are already public, such as the purpose, meaning and scope of the 2004 interrogation memorandum that you authored, and the further development of issues raised in the public comments and prior Committee testimony on this subject by other individuals both in and outside of government such as Professor John Yoo, Principal Deputy Assistant Attorney General Steven Bradbury, and Attorney General Michael Mukasey. In addition, your predecessor Jack Goldsmith testified before the Senate Judiciary Committee on October 2, 2007, on these very subjects so I hope that your concerns in this area can be addressed. Certainly, to the extent any particular question might call for information that

¹Memorandum by Daniel Levin for the Deputy Attorney General on Legal Standards Applicable Under 18 U.S.C. §§ 2340-2340A (December 30, 2004).

²Greenburg and de Vogue, *Bush Administration Blocked Waterboarding Critic*, ABC News, Nov. 2, 2007; Klaidman, Taylor and Thomas, *Palace Revolt*, Newsweek, Oct. 19, 2007.

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you are concerned would be classified or inappropriate for discussion in a public setting, the Committee has ample experience accommodating such concerns and yet still receiving the information needed for the performance of its constitutional obligations. I am sending the Department of Justice a copy of this letter as well so that they may be informed of the Committee's need for your testimony.

Thank you for your consideration of this invitation. So that we may plan accordingly, please contact Committee staff at (202) 225-3951 as soon as possible and no later than the close of business on Monday, April 21, 2008, to discuss the details of your voluntary appearance. Any further responses and questions should similarly be directed to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951, fax: 202-225-7680).

Sincerely,

A handwritten signature in black ink, reading "John Conyers, Jr." in a cursive style.

John Conyers, Jr.
Chairman

cc: Hon. Lamar S. Smith
Hon. Jerrold Nadler
Hon. Trent Franks
Hon. Brian A. Benczkowski